IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

Crl.MC.No. 415 of 2005()

CC.619/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PALAKKAD

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PETITIONER(S): ACCUSED NOS.2 AND 4:

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1. SAHADEVAN, S/O. CHAMY,
   H.NO.XXI/56, VENNAKKARA, PALAKKAD.

2. SURESH, S/O. SHEKHARAN,
   VADAKKEVEEDU, PIRAYIRI.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENT(S): COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING C.I.
OF POLICE, KOZHALMANNAM.

BY PUBLIC PROSECUTOR SRI.K.G.BHASKAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 11/10/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.HEMA, J.

Crl.M.C. No.415 of 2005

Dated this the 11th day of October, 2007

O R D E R

This petition is filed to quash the final report Annexure A and all further proceedings initiated against the petitioners on the basis of the said report.

2. Annexure A report was filed by the Judicial First Class Magistrate I, Palakkad, alleging offences under Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act. Learned counsel for petitioner argued that offences under Sections 3 and 4 are not made out and hence the charge may be quashed.

3. A reading of the charge shows that there are other offences also alleged against the petitioners, apart from Sections 3 and 4 of the Immoral Traffic (Prevention) Act. Nothing is mentioned about the maintainability of the said charges under other Sections, namely, Sections 5 and 7 of the above Act. On going through the charge, I do not find that this is a fit case to quash the final report. No materials are placed before me to convince that the charge lodged is without any basis or it is laid with some ulterior motive.

4. Learned counsel for petitioner submitted that he

may be permitted to move for a discharge. If the petitioner has any such entitlement, this order will not stand in the way of moving the court for any appropriate relief.

This petition is dismissed.

K.HEMA, JUDGE.

vgs